

**COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u><b>April 9, 2008</b></u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u><b>2007-440-E</b></u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		<u></u>

**SUBJECT:**

DOCKET NO. 2007-440-E - Application of Duke Energy Carolinas, LLC for Approval of Decision to Incur Nuclear Generation Pre-Construction Costs for the Lee Nuclear Station in Cherokee County – Discuss with the Commission the Notice of Limited Appearance Filed by M. John Bowen, Jr., Esquire, on Behalf of Westinghouse Electric Company, LLC and Stone & Webster, Inc. Additionally, Discuss Two Separate Motions for Protective Order Filed by: (1) Duke Energy Carolinas, LLC and (2) Westinghouse Electric Company, LLC and Stone & Webster, Inc. The Friends of the Earth Oppose Duke Energy's Motion and Request Opportunity to Respond.

**COMMISSION ACTION:**

A Notice of Limited Appearance has been filed in this Docket on behalf of Westinghouse Electric Company, LLC and Stone & Webster, Inc. Also, two separate Motions for Protective Order have been filed by, first, Duke Energy Carolinas, LLC, and, second, Westinghouse Electric Company, LLC and Stone & Webster, Inc. In addition, the Friends of the Earth oppose Duke Energy's Motion and request an opportunity to respond. Further, the Friends of the Earth have also indicated that they intend to file a Motion to Compel discovery allegedly withheld by Duke Energy. I would note that the Commission has already set aside Thursday, April 17, 2008, at 10:30 AM, for a hearing on the merits of this case. In light of the complexity of the discovery issues before this Commission in this Docket, I move that we use the already-established hearing date of Thursday, April 17, 2008, at 10:30 AM, for oral arguments on any outstanding discovery motions that remain at that time, and that we postpone the hearing on the merits of this case until Monday, May 12, 2008 at 10:30 AM.

While this Commission stands ready to make rulings regarding the discovery disputes before us, I believe we should strongly urge the entities involved in this matter to work toward a reasonable resolution of the discovery issues in the case without the necessity of a ruling so that the Commission and the parties may move on to focus on the prudence of Duke's decision to continue to incur pre-construction costs, as directed by S. C. Code Ann. Section 58-33-225, for the proposed Lee Nuclear Station.

PRESIDING Moseley

Session: Regular

MOTION YES NO OTHER

Time of Session 2:30 PM

CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRIGHT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

APPROVED \_\_\_\_\_  
APPROVED STC 30 DAYS \_\_\_\_\_  
ACCEPTED FOR FILING \_\_\_\_\_  
DENIED \_\_\_\_\_  
AMENDED \_\_\_\_\_  
TRANSFERRED \_\_\_\_\_  
SUSPENDED \_\_\_\_\_  
CANCELED \_\_\_\_\_  
SET FOR HEARING \_\_\_\_\_  
ADVISED \_\_\_\_\_  
CARRIED OVER \_\_\_\_\_  
RECORDED BY T. DeSanty

Chairman Hamilton – Absent (Sick Leave)